

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE: §  
§  
N.I.A. NATIONAL INSURANCE § CASE NO. 11-41529-r  
AGENCY, INC., §  
§  
DEBTOR. § CHAPTER 11

CREDITOR'S EXHIBIT AND WITNESS LIST

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

Comes now Warren Roche, Creditor in the above styled and numbered bankruptcy case, and files this his Witness and Exhibit List for his claim set for hearing on May 14, 2012 and would respectfully show the Court as follows:

WITNESSES:

\* Warren Roche  
c/o John H. Crouch, IV  
Kilgore & Kilgore, PLLC  
3109 Carlisle  
Dallas, Texas 75204  
214-969-9099

Plaintiff.

\* Larry G. McClendon  
1270 Timber Ridge Trail  
Aubrey, Texas 76227

Principal owner of corporate defendants. He is believed to have general knowledge of the facts and allegations in the lawsuit.

\* Roth Robertson  
3713 Lighthouse Hill Lane  
Fort Worth, Texas 96179  
817-925-2419

Former President/Agency Director of NIA. Has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. He also has knowledge of Plaintiff's performance as an agent. He is believed to have knowledge of Defendants' financial condition.

\* Michael Wiley  
Defendants' In-House Accountant

Knowledge of Plaintiff's complaints regarding unpaid amounts owed for renewal commissions. Plaintiff believes he has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. He also has knowledge of Plaintiff's performance as an agent. He is believed to have knowledge of Defendants' financial condition.

\* Jason Richman  
12500 Falabella Way  
Keller, Texas 76244  
817-449-8847  
jasonrichman@sbcglobal.net

Former In-House Sales Manager. Has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. He also has knowledge of Plaintiff's performance as an agent. He is believed to have knowledge of NIA's limited cash position. His knowledge is summarized in his statement dated March 25, 2011.

\* Marijane Tropoloc  
1604 South Nursery Rd.  
Irving, TX 75060  
(972) 554-8402

Former NIA Office Manager. She has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. She also has knowledge of McClendon's personal life.

\* Jason Ditson  
NIA Employee

Replaced Roth Robertson. He is believed to have knowledge of McClendon's personal life, including what is believed to be a personal relationship with McClendon.

\* Mike Lentini

3500 Villanova Dr.  
Corinth, TX 76210  
(469) 258-0346

Lentini is a former NIA agent who, on information and belief, was also terminated under pretext when his commissions cleared, and he was due ongoing payments from NIA.

\* Jay Alan Horowitz  
12810 Forest Meadow Dr.  
Cypress, TX 77429  
281-376-0777

Knowledge of Defendant's business practices and poor reputation in the industry.

\* Michael G. Luke  
11319 Lippitt Ave.  
Dallas, Texas 75218

Former employee of Defendants with knowledge of Defendant's business practices and reputation.

\* Scott P. Thiltgen  
2505 Zennor Ct.  
Cedar Park, TX 78613

Former employee of Defendants with knowledge of Defendant's business practices and reputation.

\* Ben MacManus  
18749 Marsh Lane, Apt. 715  
Dallas, TX 78287  
214-605-5215  
[benmacmanus@gmail.com](mailto:benmacmanus@gmail.com)

Former employee of Defendants with knowledge of Defendant's business practices and reputation. May have knowledge of practices with regard to paying agents, and financial condition of Defendants.

\* Marty Gross  
(954) 780-9012

NIA agent who experienced extreme difficulty getting paid due commissions.

\* John Taylor  
(325) 450-6966

NIA agent who experienced extreme difficulty getting paid due commissions when his account “cleared out.”

\* Randall Ware  
2906 West Royal Lane, Apt. 2029  
Irving, TX 75063  
(469) 441-8387

Former Agent Services Representative with knowledge of McClendon’s business practices and personal life.

\* Torys Tropoloc

Former employee of NIA with knowledge of McClendon’s business practices behavior, including hacking into employees’ private e-mail addresses to snoop through their personal correspondence.

Kilgore & Kilgore, PLLC reserve the right to call any person disclosed by Debtor.

EXHIBITS

Exhibit No.	Description	Offered	Admitted
PX 1	Proof of Claim		
PX 2	1/11/11 Demand Letter to Marsha Halpern		
PX 3	NIA Contracting/Appointment Checklists (includes Agent Status and Commission Advice Form; Company Appointment Forms; NIA General Agent's Agreement; Agent Commission Schedule; Lead Agreement; W-9; Advance Guidelines; Advance Agent's Email Request Form; Copy of Current License		
PX 4	11/16/10 Email String Roche/McClendon re: Renewal Commissions not paid for 7/31/2010 and 8/31/2010 statements; and 11/17/10 Email String Wiley/Roche/McClendon/Stephens re: Renewal Commissions Not Paid for 7/31/10 and 8/31/10 Statements		
PX 5	NIA Renewal Agent Statement for the period of 8/31/2010		
PX 6	NIA Renewal Agent Statement for the period of 7/31/2010		
PX 7	10/8-10/21/10 Email String Roche/McClendon/Stephens re: Statement Discrepancy		
PX 8	NIA - New Business Agent Statement for period of 10/7/10 and 10/8/10 for Roche		

PX 9	NIA - New Business Agent Statement for period of 11/8/10 and 11/9/10 for Roche		
PX 10	Photos of McClendon at Maroma Beach - 3/10		
PX 11	Email of 12/28/10 from McClendon to Roche re: Termination of Roth Robertson		
PX 12	Photo of Most Recruits and Down Line Production Trophe for 2009		
PX 13	Declaration of Warren Roche		
PX 14	Declaration of Roth Robertson-		
PX 15	Declaration of Marijane Tropoloc		
PX 16	Affidavit of Jason Richman		
PX 17	Affidavit of Randall Ware		

Dated: May 9, 2012.

Respectfully submitted,

KILGORE & KILGORE, PLLC

By: /s/ John H. Crouch, IV

JOHN H. CROUCH, IV  
State Bar No. 00783906

3109 Carlisle, Suite 200  
Dallas, TX 75204  
(214) 969-9099 - Telephone  
(214) 953-0133 - Fax

ATTORNEYS FOR  
WARREN ROCHE

**CERTIFICATE OF SERVICE**

I certify that on this 9<sup>th</sup> day of May, 2012, a true and correct copy of the above and foregoing document was served via the CM/ECF system.

Timothy O'Neal  
Office of the U.S. Trustee  
110 North College Avenue, Suite 300  
Tyler, Texas 75702

Joyce W. Lindauer  
8140 Walnut Hill Lane, Suite 301  
Dallas, Texas 75231

/s/ John H. Crouch, IV  
John H. Crouch, IV